THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.802 of 2006

Dated: 31-01-2006

Between:

G.Jayamma @ Meenakshamma,

W/o.G.Sridhar (late).

.. PETITIONER

AND

The Assistant Pension Payment Officer,

and others.

.. RESPONDENTS

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ORDER:

The petitioner claims that she was married to one Mr.G.Sridhar way back on 04-01-1968. G.Sridhar was employed as a Live Stock Assistant in the department of Animal Husbandry, Government of Andhra Pradesh. On account of the strained relationship with her husband, the petitioner was living separately. She filed M.C.No.35 of 1995 in the court of Additional Judicial Magistrate of First Class, Hyderabad, East and North, Ranga Reddy District. An order was passed on 03-07-1996 awarding maintenance at the rate of Rs.500/- per month, against Mr.G.Sridhar.

The petitioner states that she was being paid the maintenance during the life-time of G.Sridhar and after his death on 09-03-2003, she was not sanctioned any family pension. It is her case that one Mrs.T.Shakuntala Bai, the second respondent herein, is said to have been sanctioned the family pension. The petitioner seeks appropriate directions to enable her to draw the retirement and other benefits payable to her

husband.

Heard the learned counsel for the petitioner and the learned Government Pleader for Finance and Planning.

The notice sent to the second respondent was returned with an endorsement “not claimed”. Hence, the notice is treated as having been served.

The husband of the petitioner retired from service with effect from 30-06-1995. The petitioner obtained an order of maintenance only on 03-07-1996. By that time, he had drawn all the retirement benefits and was receiving pension. He said to have died on 09-01-2003. If that be so, the petitioner ought to have submitted an application for payment of family pension to respondents 1 and 3. It is stated that the second respondent is receiving the family pension. It is not known as to under what circumstances the claim of the second respondent was accepted and whether the petitioner had submitted an application or not. There would have been an occasion for respondents 1 and 3 to consider the case of the petitioner, had she submitted an application, duly furnishing the necessary particulars. Even now, the petitioner can submit an application. In such an event, the first respondent would cause necessary enquiry and pass revised orders, if necessary, in accordance with rules, after hearing the 2nd respondent.

The writ petition is, therefore, disposed of, leaving it open to the petitioner to make an application to the first respondent, with a copy to the third respondent, claiming family pension, as legal heir of late G.Sridhar. On receiving such application, respondents 1 and 3 shall cause necessary enquiry and pass appropriate orders, within a period of three months, from the date of receipt of such application. There shall be no order as to costs.

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31-01-2006

Prv